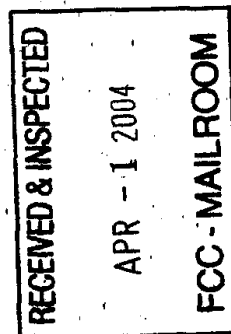




Federal Communications Commission
Washington, D.C. 20554

March 29, 2004

Jeffrey D. Southmayd, Esq.
c/o August Radio Fellowship Institute, Inc.
Southmayd & Miller
1220 19th Street, N.W.
Suite 400
Washington, D.C. 20036



Dear Mr. Southmayd:

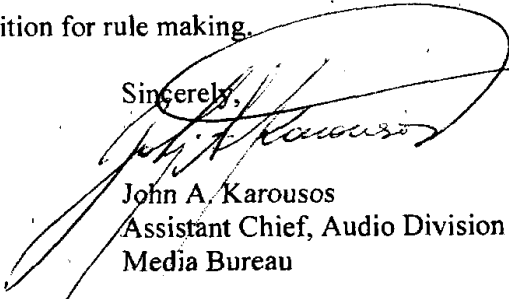
This letter is in response to the Petition for Rule Making filed on behalf of August Radio Fellowship Institute, Inc. requesting to reserve vacant Channel 237A at Dillsboro, North Carolina for noncommercial educational ("NCE") use.

The Commission has revised the standards for reserving an FM channel for NCE use.¹ Under these revised standards, a reservation proponent must demonstrate that it is technically precluded from using a reserved channel and would provide a first and/or second NCE radio service to at least 10 percent of the population within the 1mV/m (60 dBu) contour of its proposed station. This revised reservation policy was later extended to existing vacant FM allotments for which an allocation proceeding was initiated prior to the effective date of these standards.² To implement the revised reservation policy, the Media Bureau opened a filing window to permit interested parties to file petitions for rulemaking in compliance with the revised reservation policy.³

The *Public Notice* opened a filing window permitting interested parties to file a petition for rulemaking in compliance with the revised reservation policy by November 21, 2003. The *Public Notice* stated that the filing deadline would be strictly enforced. As a result, your petition is unacceptable for consideration because it was filed on November 24, 2003.

In view of the above, we are returning your petition for rule making.

Sincerely,


John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosure

¹ See *Reexamination of the Comparative Standards for Noncommercial Educational Applicant*, 15 FCC Rcd 7386 (2000), recon granted in part 16 FCC Rcd 5074 (2001).

² See *Reexamination of the Comparative Standards for Noncommercial Educational Applicant*, 18 FCC Rcd 6691 (2003).

³ See *Media Bureau Opens Window to Permit Noncommercial Educational Reservation Showings for Certain Vacant FM Allotments*, 18 FCC Rcd 19600 (MB 2003) ("Public Notice").

COPY

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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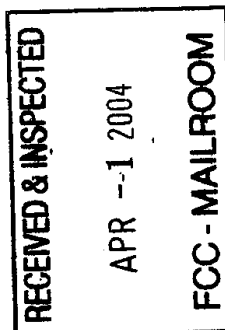
IN RE MATTER OF)

AMENDMENT TO SECTION)
73.202(b) OF THE COMMISSION'S)
TABLE OF ALLOTMENTS)

RM-

DILLSBORO, NORTH CAROLINA)
RESERVATION FOR EDUCATIONAL)
NONCOMMERCIAL USE)

TO: Chief Allocations Branch
Media Division



PETITION FOR RULE MAKING

Augusta Radio Fellowship Institute, Inc. (hereafter "ARFI"), by its undersigned
counsel hereby respectfully requests that the FM Table of Allotments be modified as
follows:

<u>COMMUNITY</u>	<u>CURRENT</u>	<u>PROPOSED</u>
DILLSBORO, NC	237	237*

In support of this request the following is submitted for the consideration of the
Commission.

1. The Commission's Public Notice, DA 03-2990, released on September 30,
2003, opened a window for the submission of petitions seeking the noncommercial

educational reservation of certain vacant FM allotments. Among these allotments was the vacant FM channel 237A reservation at Dillsboro, North Carolina.

2. Attached hereto is an Engineering Statement completed by ARFI's engineering consultant. This demonstrates that there are no reserved band, noncommercial, educational FM channels available for use at Dillsboro, North Carolina.

3. The Engineering Statement shows that if the current FM channel 237 allotment to Dillsboro were designated for noncommercial, educational use, it would provide a first and or second noncommercial broadcast service to greater than 2,000 persons representing more than 10% of the population in the proposed service area of the station.¹

4. Such a showing meets the requirements found in the *Second Report and Order in the Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, 18 FCC Rcd 6691 (2003) at paragraphs 34-40 for the reallocation of nonreserved band FM channels to noncommercial, educational use. ARFI requests such a noncommercial, educational reservation for the FM channel 237 allocation at Dillsboro, North Carolina.

5. ARFI will submit comments in support of this proposal. In the event that this channel is re-allocated for noncommercial, educational use, ARFI will file an application for the utilization thereof, and promptly build and operate a station in the event its application is granted by the Commission.²

¹ This meets the standard contained in the *Second Report And Order*.

² ARFI is the FCC licensee of a number of noncommercial, educational FM stations, and has been found to be qualified to hold noncommercial, educational FM licenses in conformity with the Commission's rules, regulations and policies.

Respectfully submitted,

August Radio Fellowship Institute, Inc.

By: 

Jeffrey D. Southmayd

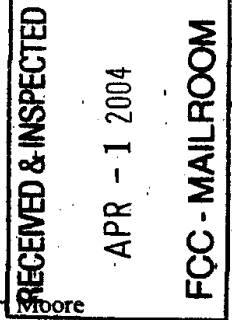
Its Attorney

Southmayd & Miller
1220 19th Street, N.W.
Suite 400
Washington, D.C. 20036
(202) 331-4100

Date: November 21, 2003

Engineering Statement
In response to MMB Window Closing November 21, 2003
Providing for Conversion of
Commercial Allotments to Noncommercial Allotments
Dillsboro, NC 237A

Robert Moore
November 21, 2003



Public Notice DA 03-2990¹ and Report and Order 18 FCC Rcd 6691² state that three distinct engineering criteria must be satisfied to qualify an allotment. These must demonstrate 1) need for an additional NCE service, 2) unsuitability of any NCE channel at the site at the proposed city of license and 3) unsuitability of any NCE channel at four points near the edge of the protected contour surrounding the city of license. These will be demonstrated in order.

1) Need for Additional NCE Service – NCE Second Report and Order ¶34

The graphic below illustrates the 60 dBu coverage of existing NCE authorizations (shown in black) that intersect the 60 dBu contour of the proposed allotment when it is evaluated at its allotment site (shown in red). The graphic demonstrates that 84.72 % (54,920 out of 64,828 people) of the population covered by the allotment would be newly served with first or second NCE service NCE programming by conversion of the channel to NCE status. Of these 9.82 % would receive their first NCE service (shown in red) and 74.90 % would receive their second NCE service (shown in green). The remaining population (shown in black) is already served by two NCE stations. This coverage significantly exceeds the 10% and 2,000 people specified in the R&O.

2) City of License Site – NCE Second Report and Order ¶35b

The city coordinates is found at <http://www.fcc.gov/mb/audio/bickel/atlas2.html> as DILLSBORO, NC Latitude: N 35 22 9 Longitude: W 83 15 9. A minimum class A facility (0.1 kW at 30 m HAAT) was evaluated at each NCE channel. The entries *IN* and *OUT* represent the incoming and outgoing contour overlap with each specified station, or spacing, as in FMCONT output, is given in km. Only negative results, indicating prohibited contour overlap or spacing violation, are displayed. The existence of even one negative value for a channel shows that that channel is not available at the specified site with the specified facilities. Note that all stations in the CDBS are included here, whether authorized or not, since most, if not all, are included in closed Mx groups, so there is no longer an opportunity for new entrants to file. This table shows that all the NCE channels are unavailable at this site for the specified facility.

3) Cardinal Sites – NCE Second Report and Order ¶35a

Availability was also evaluated at 27 km (28 km class A class contour distance - 1 km) of from the city of license site at azimuths of 0, 90, 180 and 270 degrees. In these evaluations, a class maximum facility was utilized. The entries are interpreted as in 2). These tables show that no NCE channels are available at these sites for the specified facility.

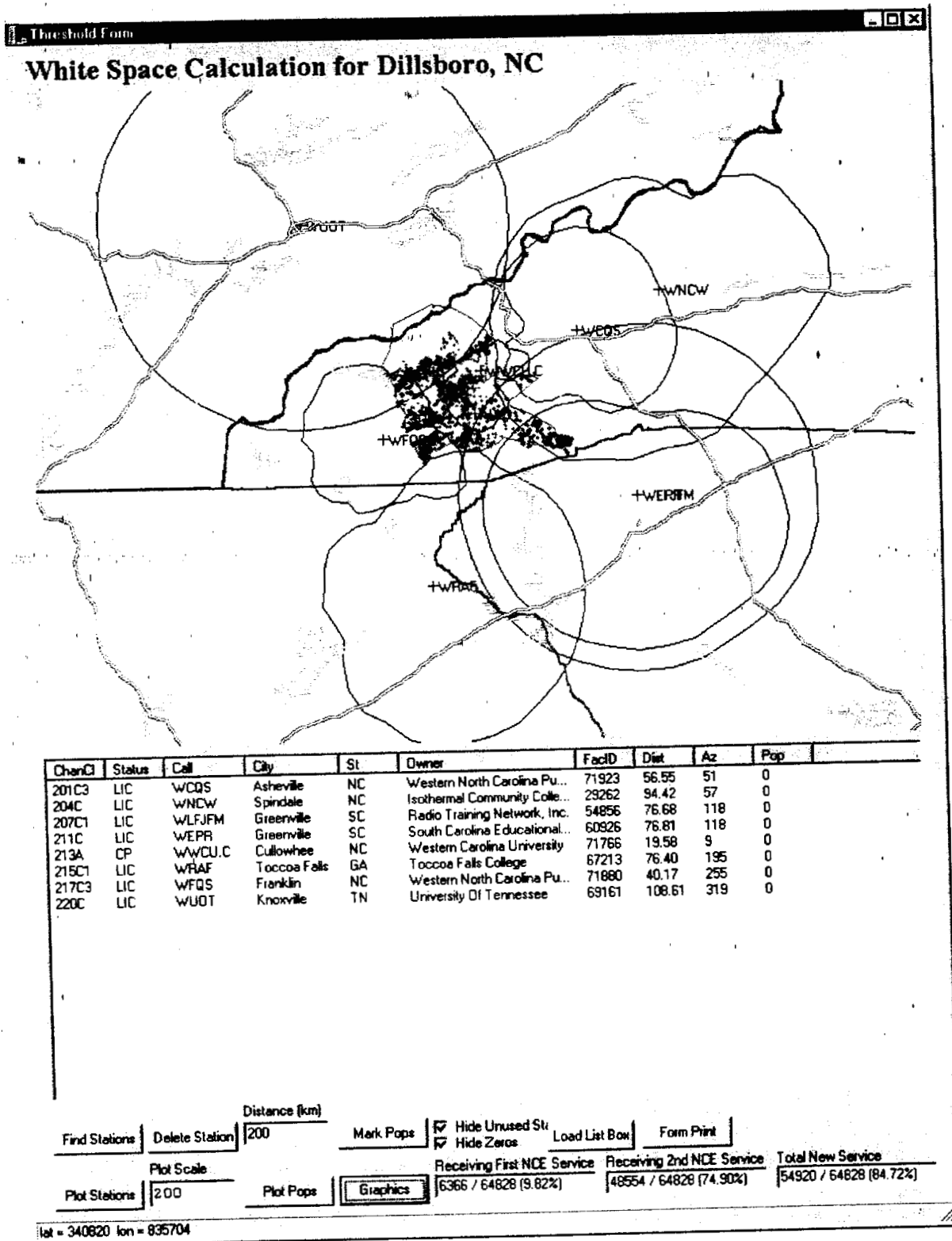
Conclusion:

The criterion specified by the Commission is satisfied by this allocation and it can be considered for conversion to an NCE allocation.

¹ Media Bureau Opens Window to Permit Noncommercial Educational Reservation Showings for Certain Vacant FM Allotments, Public Notice, DA 03-2990 (rel. Sept. 30, 2003) (the "Public Notice").

² Reexamination of the Comparative Standards for Noncommercial Educational Applicants, Second Report and Order, 18 FCC Rcd 6691 (2003) ("NCE Second Report and Order").

1) Need for Additional NCE Service



2) City of License Site

Showing of available NCE channels at Dillsboro, NC

Latitude 352209 Longitude 831509 ERP(Kw) 0.100 HAAT(m) 30 COR AMSL(m) 922

Chan	Call	*IN*	*OUT*	Margin
201	WCQS	-43.6	-15.2	
202	WCQS	-4.0		
	WOEZ	-45.1	-10.8	
203	WNCW	-24.6		
204	WNCW	-77.6	-17.6	
205	WNCW	-24.6		
	WMBW	-0.4		
206	WYLV	-35.2	-5.4	
	WLFJFM	-9.6		
207	WLFJFM	-61.6	-16.8	
208	WLFJFM	-9.6		
	WETSEFM	-45.3		
209	WDYN	-2.4		
210	WEPR	-34.8	-7.3	
	WWCU.C		-5.4	
	WWCU	-9.2	-5.9	
211	WEPR	-99.8	-33.8	
	WWCU.C		-5.4	
	WWCU	-9.2	-5.9	
212	WEPR	-34.8	-7.3	
	WWCU.C	-20.5	-12.7	
	WWCU	-29.1	-30.1	
213	WWCU.C	-55.3	-23.3	
	WWCU	-58.6	-59.1	
214	WWCU.C	-20.5	-12.7	
	WWCU	-29.1	-30.1	
	961203	-38.1		
	WRAF	-14.5		
215	WWCU.C		-5.4	
	WWCU	-9.2	-5.9	
	WRAF	-81.8	-3.2	
216	WWCU.C		-5.4	
	WWCU	-9.2	-5.9	
	WRAF	-14.5		
	WYFG	-1.6		
	WFQS	-7.4		
217	WFQS	-47.8	-6.2	
	WLFA	-15.1	-0.3	
218	WFQS	-7.4		
219	WTBIFM	-2.4		
	WUOT	-54.0	-19.3	
220	WUOT	-114.9	-49.3	
	ALLO			-4.8
	WESCFM		-21.1	-41.0

3) Cardinal Sites: 0 degrees:

Showing of available NCE channels at Dillsboro, NC

Latitude 353645 Longitude 831509 ERP(Kw) 6.000 HAAT(m) 100 COR AMSL(m) 1324

Chan	Call	*IN*	*OUT*	Margin
201	WUTC	-5.9		
	WSBFFM	-1.3	-14.8	
	WCQS	-44.9	-60.0	
	WOEZ	-23.5	-11.3	
202	WCQS	-9.5	-17.1	
	WOEZ	-71.6	-55.6	
	WPPR	-13.9	-40.7	
203	WOEZ	-23.5	-11.3	
	WNCW	-58.0	-44.2	
204	WNCW	-109.9	-87.7	
205	WNCW	-58.0	-44.2	
	WMBW	-27.8		
	WYLV	-15.9	-5.9	
206	WYLV	-61.7	-50.2	
	WBCX		-2.8	
207	WYLV	-15.9	-5.9	
	WLFJFM	-36.8	-15.1	
	WETSFM	-13.5		
208	WETSFM	-73.4	-23.0	
	WNGU		-5.5	
209	WETSFM	-13.5		
	WDYN	-27.0		
	WTXR.C		-24.2	
	WTXR		-21.2	
210	WDVX	-12.4	-6.6	
	WTFH		-37.3	
	WEPR	-17.7		
	WWCU.C	-7.3		
	WWCU	-14.4		
211	WEPR	-83.0	-35.8	
	WWCU.C	-7.3		
	WWCU	-14.4		
212	WEPR	-17.7		
	WUTKFM		-14.8	
	WWCU.C	-16.7	-30.0	
	WWCU	-25.8	-44.7	
213	WSMCFM	-22.3		
	WVMHFM	-14.4	-42.6	
	WWCU.C	-30.0	-72.7	
	WVMHFM	-13.9	-42.7	
	WWCU	-45.0	-88.9	
214	961203	-30.6	-21.1	
	WWCU.C	-16.7	-30.0	
	WWCU	-25.8	-44.7	
	960710	-8.0	-3.8	
	961203	-72.4	-66.0	
	WRAF	-31.9	-28.4	
215	WWCU.C	-7.3		
	WWCU	-14.4		
	961203	-30.6	-21.1	
	WRAF	-99.2	-77.7	
216	WWCU.C	-7.3		
	WWCU	-14.4		
	WRAF	-31.9	-28.4	
	990316		-17.0	
	WKCS		-18.3	
	WFQS	-38.5	-47.3	
	WLFA		-10.7	
217	WFQS	-80.8	-95.3	
	WLFA	-26.1	-53.7	
	WUOT		-14.5	
218	WFQS	-38.5	-47.3	
	WLFA		-10.7	
	WHCB	-5.3		
	WWEVFM		-3.2	
	WUOT		-14.5	
219	WUOT	-80.3	-49.9	
220	WUOT	-141.0	-94.2	
	WESCFM		-7.7	-26.3

90 degrees:

Showing of available NCE channels at Dillsboro, NC

Latitude 352209 Longitude 825719 ERP(Kw) 6.000 HAAT(m) 100 COR AMSL(m) 1338

Chan	Call	*IN*	*OUT*	Margin	Chan	Call	*IN*	*OUT*	Margin
201	WSBFFM		-6.0		213	WEPR		-7.2	
	WCQS	-96.1	-104.0			WUMC		-20.2	
	WNCW		-12.0			WVMHFM	-31.0	-69.6	
202	WCQS	-56.6	-60.5			WVCU.C	-29.4	-65.7	
	WCQRFM	-15.3	-26.1			WVMHFM	-31.9	-69.5	
	WOEZ	-34.7	-19.2			WVCU	-43.0	-79.6	
	WGWG	-1.0				961203	-16.8	-21.3	
	WPPR	-3.6	-4.5		214	WEPR		-7.2	
	WNCW		-12.0			WVMHFM	-5.6	-23.0	
203	WCQS	-9.5	-1.5			WVCU.C	-13.9	-19.5	
	WEPC	-19.4				WVMHFM	-6.2	-23.1	
	WNCW	-78.8	-58.0			WVCU	-23.8	-36.8	
204	WCQS	-9.5	-1.5			961203	-57.8	-64.7	
	WNCW	-132.6	-100.9			WRAF	-14.7		
205	WNCW	-78.8	-58.0			WLFA	-5.7		
206	WNCW		-12.0		215	WVCU.C	-3.4		
	WYLV	-24.8	-13.8			WVCU	-12.5		
	WLFJFM	-26.3	-8.7			961203	-16.8	-21.3	
207	WNCW		-12.0			WRAF	-80.9	-37.2	
	WLFJFM	-75.7	-53.6			WLFA	-5.7		
	WETSFM	-49.3	-31.7		216	WVCU.C	-3.4		
208	WLFJFM	-26.3	-8.7			WVCU	-12.5		
	WETSFM	-110.0	-80.6			WRAF	-14.7		
	WEPR		-7.2			WYFG	-35.0	-6.8	
209	WETSFM	-49.3	-31.7			WFQS	-8.1	-13.2	
	WEPR		-7.2			WLFA	-40.7	-48.6	
210	WEPR	-55.8	-29.1		217	WFQS	-46.6	-56.3	
	WVCU.C	-3.4				WLFA	-75.9	-92.1	
	WVCU	-12.5			218	WFQS	-8.1	-13.2	
211	WEPR	-121.1	-73.9			WLFA	-40.7	-48.6	
	WVCU.C	-3.4				WHCB	-41.2	-41.8	
	WVCU	-12.5			219	WLFA	-5.7		
212	WEPR	-55.8	-29.1			WTBIFM	-24.0	-21.1	
	WVMHFM	-5.6	-23.0			WUOT	-43.9	-14.8	
	WVCU.C	-13.9	-19.5		220	WLFA	-5.7		
	WVMHFM	-6.2	-23.1			WUOT	-104.7	-58.4	
	WVCU	-23.8	-36.8			ALLO		-1.5	
						WESCFM		-46.0	-64.3

180 degrees:

Showing of available NCE channels at Dillsboro, NC

Latitude 350733 Longitude 831509 ERP(Kw) 6.000 HAAT(m) 100 COR AMSL(m) 1084

Chan	Call	*IN*	*OUT*	Margin
201	WUTC	-23.3		
	WSBFFM	-23.8	-26.4	
	WCQS	-31.4	-27.8	
	WOEZ	-3.8	-0.8	
202	WOEZ	-51.5	-44.7	
	WPPR	-32.6	-32.8	
203	WOEZ	-3.8	-0.8	
	WEPC	-19.9		
	WNCW	-26.5		
204	WNCW	-81.0	-40.8	
205	WNCW	-26.5		
	WMBW	-45.0	-7.1	
206	WYLV	-41.6	-39.3	
	WLFJFM	-26.9	-6.0	
207	WLFJFM	-82.2	-50.9	
208	WLFJFM	-26.9	-6.0	
	WETSFM	-35.4		
	WNGU	-2.1	-22.9	
209	WDYN	-43.6	-7.8	
	WTRR.C		-16.3	
	WTRR		-25.3	
210	WDVX		-2.5	
	WTFH		-42.9	
	WEPR	-46.4	-19.0	
211	WKTS		-0.2	
	WEPR	-111.4	-63.8	
212	WEPR	-46.4	-19.0	
	WUTKFM		-11.7	
	WWCU.C	-18.4	-12.2	
	WWCU	-7.3	-11.3	
	WRAF		-1.0	
213	WSMCFM	-46.5	-16.8	
	WWCU.C	-58.3	-57.0	
	WWCU	-26.5	-56.1	
	WRAF		-1.0	
214	WWCU.C	-18.4	-12.2	
	WWCU	-7.3	-11.3	
	961203	-32.1	-29.4	
	WRAF	-45.1	-23.3	
	WFQS	-20.1	-6.6	
215	WRAF	-111.9	-68.5	
	WFQS	-20.1	-6.6	
216	WRAF	-45.1	-23.3	
	990316		-34.1	
	WKCS		-6.3	
	WYFG	-26.7		
	WFQS	-69.7	-76.5	
217	WRAF		-1.0	
	WFQS	-113.5	-124.1	
	WLFA	-11.6	-16.7	
218	WRAF		-1.0	
	WFQS	-69.7	-76.5	
	WWEVFM	-20.9	-12.7	
219	WFQS	-20.1	-6.6	
	WTBIFM	-18.2	-15.6	
	WUOT	-60.2	-39.2	
220	WFQS	-20.1	-6.6	
	WUOT	-121.2	-83.1	
	ALLO		-31.8	
	WESCFM	-24.2	-46.3	

270 degrees:

Showing of available NCE channels at Dillsboro, NC

Latitude 352209 Longitude 833259 ERP(Kw) 6.000 HAAT(m) 100 COR AMSL(m) 870

Chan	Call	*IN*	*OUT*	Margin
201	WUTC	-23.7		
	WSBFFM	-9.2	-21.9	
	WCQS	-26.5	-30.6	
	WOEZ	-22.2	-12.3	
202	WOEZ	-69.8	-55.4	
	WPPR		-0.1	
203	WOEZ	-22.2	-12.3	
	WEPC	-5.2		
	WNCW	-17.2		
204	WNCW	-70.0	-42.4	
205	WNCW	-17.2		
	WMBW	-36.6		
	WYLV	-14.6	-7.0	
206	WYLV	-59.9	-50.1	
207	WYLV	-14.6	-7.0	
	WMKW		-1.2	
	WLFJFM	-43.1	-14.3	
	WETSFM	-1.4		
208	WETSFM	-61.3	-21.9	
209	WETSFM	-1.4		
	WDYN	-42.8		
	WTRR.C		-2.4	
	WTRR		-5.3	
210	WDVX	-17.0	-13.9	
	WTFH		-1.0	
	WEPR	-12.1		
211	WKTS		-14.3	
	WEPR	-77.0	-29.3	
212	WEPR	-12.1		
	WUTKFM		-22.4	
	WWCU		-6.4	
213	WSMCFM	-47.0	-8.8	
	WVMHFM		-17.2	
	WWCU.C	-24.4	-42.9	
	WVMHFM		-18.1	
	WWCU	-19.1	-52.2	
214	961203	-26.8	-23.4	
	WWCU		-6.4	
	960710	-12.7	-11.1	
	961203	-70.7	-66.3	
	WRAF	-14.8		
	WFQS		-8.4	
215	961203	-26.8	-23.4	
	WRAF	-81.4	-42.9	
	WFQS		-8.4	
216	WRAF	-14.8		
	990316	-4.7	-29.8	
	WKCS		-16.5	
	WFQS	-38.6	-30.3	
217	WFQS	-79.0	-75.1	
	WLFA		-18.0	
	WUOT		-10.7	
218	WFQS	-38.6	-30.3	
	WUOT		-10.7	
219	WFQS		-8.4	
	WUOT	-78.6	-50.7	
220	WFQS		-8.4	
	WUOT	-139.7	-93.9	
	ALLO		-1.0	
	WESCFM		-15.6	